

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

|                               |   |                               |
|-------------------------------|---|-------------------------------|
| IN RE PHARMACEUTICAL INDUSTRY | ) |                               |
| AVERAGE WHOLESALE PRICE       | ) | MDL No. 1456                  |
| LITIGATION                    | ) |                               |
|                               | ) | CIVIL ACTION: 01-CV-12257-PBS |
| THIS DOCUMENT RELATES TO      | ) |                               |
| 01-CV-12257-PBS AND 01-CV-339 | ) | Judge Patti B. Saris          |
|                               | ) |                               |

**PLAINTIFFS' OBJECTION TO ORDER DENYING MOTION TO COMPEL  
DEFENDANTS' CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS**

Plaintiffs respectfully object to Magistrate Judge Bowler's November 2, 2004 order denying plaintiffs' Motion to Compel Production of Defendants' Correspondence with Putative Class Members (the "Order") and request that the Court overrule that Order and compel Defendants to produce all written communications that they have had with any putative class member in connection with this litigation since the litigation began, including correspondence related to the subpoenas that Defendants have served in this litigation.

In support of this motion, Plaintiffs submit the attached Memorandum in Support of Plaintiffs' Objection to Order Denying Motion to Compel Defendants' Correspondence with Putative Class Members, and the pleadings and record on file herein.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for Plaintiffs contacted counsel for Defendants regarding the issues addressed in this motion, but was unable to resolve the issues.

DATED: November 10, 2004

By /s/ Steve W. Berman

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' OBJECTION TO ORDER DENYING MOTION TO COMPEL DEFENDANTS' CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 10, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By                     /s/ Steve W. Berman                      
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